Ontario

OFFICE OF THE WORKER ADVISER

Breaking Ground: The Hogg's Hollow Disaster 1960
7'h x 20'w (2m x 6m) Laurie Swim 2000

ANNUAL REPORT
APRIL 1, 2009 – MARCH 31, 2010

Breaking Ground: The Hogg's Hollow Disaster 1960
7'h x 20'w (2m x 6m)
Laurie Swim 2000

On March 17, 1960, five immigrant Italian construction workers lost their lives while building a water-main line in north Toronto. On the 50th anniversary of this tragic event, Canadian artist Laurie Swan unveiled a quilt which is located at the York Mills subway station in Toronto.

Sponsored by COSTI, an immigrant aid society supported by financial contributions from businesses, corporations and hundreds of individuals, Laurie and dozens of volunteers spent an estimated 4,000 hours of sewing to complete the 2m by 6m mixed media fibre memorial.

Unveiled on March 17, 2010, the quilt serves not only as a memorial to the lives tragically lost while on the job, but also a celebration of the spirit of the community that worked together to ensure that this accident should never be forgotten.

Ontario

OFFICE OF THE WORKER ADVISER

ANNUAL REPORT
FOR THE PERIOD APRIL 1, 2009 TO MARCH 31, 2010

HEAD OFFICE
1300 – 123 Edward Street
Toronto, Ontario
M5G 1E2

OFFICE OF THE WORKER ADVISER (OWA)

2009-2010 ANNUAL REPORT

TABLE OF CONTENTS

MESSAGE FROM THE DIRECTOR 1

INTRODUCTION AND BACKGROUND 2

MANDATE AND SERVICES 2

1) OWA SERVICE DELIVERY 2
2) CENTRAL CLIENT SERVICES UNIT (CCSU) 3

KEY ACHIEVEMENTS 3

1) ADVISORY SERVICES 3
2) REPRESENTATION SERVICES 4
   Case Review *4*
   Waiting List for Appeal Level Representation Services *5*
   Decisions *6*
   Case Closures *8*

HIGHLIGHTS OF OWA CASEWORK 8

1) SIGNIFICANT CASEWORK IN 2009-2010 8
2) NOTEWORTHY WSIAT DECISIONS 10
3) EDUCATIONAL SERVICES 10
   Highlights of Educational Sessions *11*

OTHER KEY ACTIVITIES IN 2009-2010 11

1) SYSTEM AND COMMUNITY PARTNERSHIPS AND COMMITTEE WORK 11
2) FORMAL POLICY AND/OR LAW REFORM SUBMISSIONS 12
3) OWA TRANSFER PAYMENT PROGRAM 12
4) TECHNOLOGY AND INFORMATION MANAGEMENT IN SUPPORT OF CLIENT SERVICES 12

APPENDIX A – OUTCOME PERFORMANCE MEASURE 14

APPENDIX B – INTERNAL PROGRAM PERFORMANCE ACHIEVEMENTS 15

APPENDIX C – FINANCIAL REPORT – FISCAL YEAR 2009-2010 16

APPENDIX D – OWA OFFICE LOCATIONS 17

APPENDIX E – ORGANIZATION CHART 18

MESSAGE FROM THE DIRECTOR

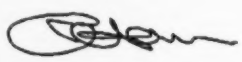
I am pleased to present the Annual Report of the Office of the Worker Adviser (OWA) for fiscal year 2009-2010. This is my last one as the Director of the OWA as I will have retired by the time the next report is due. I have been privileged to work for the OWA for more than 24 of my 27 years as a public servant.

In many ways, the past fiscal year was a stark reminder of the importance of our work. It was driven home by the tragedy of Christmas Eve, when five immigrant workers fell 13 stories, leaving four dead and one seriously injured. This was the worst construction accident since Hogg's Hollow, where five Italian immigrants died during the construction of a sewer tunnel. The 50th anniversary of this tragic event was commemorated on March 17, 2010, with the unveiling of a memorial quilt at the York Mills subway station in Toronto. The Hogg's Hollow memorial quilt is depicted on the cover of this report.

The Christmas Eve tragedy provoked the establishment of the Expert Advisory Panel on Occupational Health and Safety led by Tony Dean, former Deputy Minster of Labour and Secretary of the Cabinet. The appointment of the Expert Advisory Panel followed on the heels of a series of reports on aspects of workplace safety and insurance, starting with the Morneau Sobeco report, "Recommendations for Experience Rating," in October 2008. This was followed by the KPMG Value for Money Audit of the WSIB Labour Market Re-entry (LMR) Program, the Auditor General's report on the "Unfunded Liability of the Workplace Safety and Insurance Board" and the WSIB Chair's "Report on Stakeholder Consultations," all in fiscal year 2009-2010. These reports look at various aspects of the bigger picture in workplace safety and insurance in Ontario. At the OWA, we are primarily focused on case-by-case representation of individual workers or their survivors. We also use our extensive casework experience, however, to analyze and address systemic issues that affect injured workers and their survivors. Most notably in 2009-2010, we addressed a number of important systemic issues in our submission to the WSIB Chair during his stakeholder consultations.

The strength of the OWA is its capacity to represent large numbers of injured workers in appeals of their WSIB cases throughout the entire province. No other single organization in Ontario, nor any other Canadian jurisdiction, represents as many injured workers. Our system partners recognize the OWA provides competent representation, expeditiously, without impeding the progress of appeals. The WSIB Appeals Branch reported to OWA that while 22% of scheduled appeals are adjourned by representatives, OWA staff do not contribute to such delays. In addition, on average 38% of worker appeals are successful before the Appeals Branch, while OWA appeals succeeded entirely or in part in 51% of the issues in which we represented. We were even more successful at the Tribunal level, succeeding entirely, or in part, in 60% of the appeal issues during the past fiscal year.

For their incredible contribution, I once again thank our staff for their continued dedication and diligence. It has been a pleasure and an honour to have known and worked with such a great group of people for nearly a quarter century.



Jorma Halonen
Director, OWA

INTRODUCTION AND BACKGROUND

The Office of the Worker Adviser ("OWA") was established in 1985 under the *Workers' Compensation Act,* as a branch of the Ministry of Labour (the "Ministry"), to be an advocacy service for injured workers. In 1992, the OWA (along with the Office of the Employer Adviser) became an agency of the Ministry.

The Director of the Office of the Worker Adviser is an Order-in–Council appointment by the Minister of Labour (the "Minister"). Mr. Jorma Halonen was appointed Director in April 2006 for a three year term,, which was renewed once and currently expires in April 2012. The memorandum of understanding between the OWA and the Minister of Labour provides that the Director of the OWA will report to the Minister annually.

MANDATE AND SERVICES

The OWA's mandate, established by s. 176(1) of the *Workplace Safety and Insurance Act, 1997* (the "Act"), is "to educate, advise and represent workers who are not members of a trade union and their survivors."

The OWA's Vision is to:

- be a leader in advice, representation, and education in workplace safety and insurance matters on behalf of the most vulnerable injured workers and their survivors;
- provide a vital public service that contributes to the effective functioning of Ontario's workplace safety and insurance system and supports a healthy workforce as a foundation for a strong, vibrant provincial economy; and,
- contribute to improving workplace safety and insurance through community and system partnerships.

Over 86% of former OWA clients surveyed in 2009-2010 indicated that they were "very satisfied" with the service they had received from the OWA. Comments received from clients over the past year included:

"The Worker Advisor saved my confidence. They helped me return to work society with great value. Deeply appreciated. You bring justice, helpfulness, dedications, valued workers going back to society".

"I found [Worker Advisor] to be very compassionate and understanding regarding the loss of my spouse. She was efficient and worked quickly to get an answer regarding our case. Thank you."

"Thank you so much for our help. It truly changed my life. Being able to scan and email documents rather than faxing and phoning was very helpful".

"The Worker Advisor was very informative, easy to understand and helpful. It was really nice to have a qualified professional representative during a difficult and confusing time. Thank you."

1) OWA Service Delivery

OWA has 15 full service offices located throughout the province. In the greater Toronto area, OWA offices are located in: downtown Toronto, Downsview, Scarborough and Mississauga. In Southwest Ontario: Windsor, London, St. Catharines, Waterloo, and Hamilton with a satellite

office in Sarnia. The Ottawa office serves clients in Eastern Ontario. Northern Ontario is served by OWA offices in Sudbury, Timmins, Elliot Lake, Sault Ste. Marie and Thunder Bay.

OWA staff regularly visit the communities of Brantford, Barrie, Belleville, Brampton, Kingston, Markham, North Bay, Oshawa, Pembroke, Peterborough, Stratford, St. Thomas and Woodstock. This allows injured workers to meet with Worker Advisers in person close to their home communities, instead of having to travel to the office locations.

In addition to serving individual clients, the OWA seeks to build partnerships and referral relationships with MPPs and key organizations in local communities.

2) Central Client Services Unit (CCSU)

The General Counsel/Manager of CCSU and four permanent full-time and one temporary half time Legislative Interpretation Specialists (LIS) have responsibility for central services relating to:

- internal legal advice and assistance to the OWA
- advice and representation in legally complex and/or precedent setting cases for OWA clients
- system improvement initiatives
- education materials and sessions for OWA staff and other representatives
- education materials for the public

Highlights of CCSU work in the areas of representation, education, and system improvement are included in the relevant sections of this report.

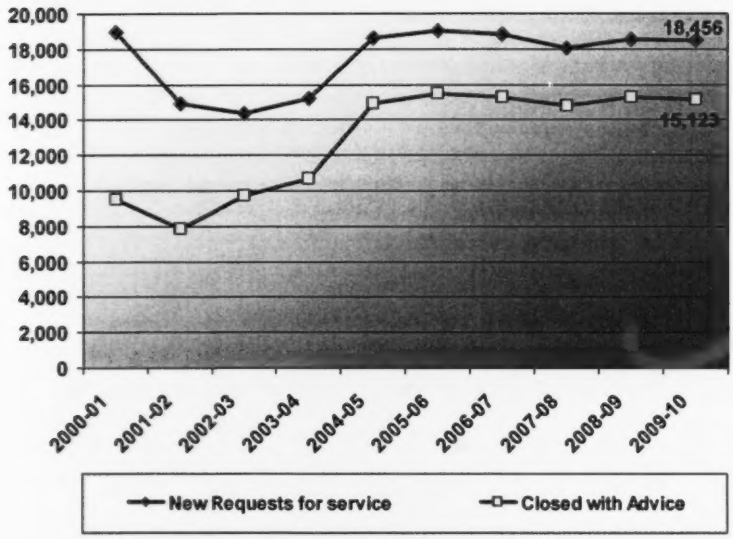
KEY ACHIEVEMENTS

1) Advisory Services

In order to focus staff resources on the more vulnerable workers and the more complex cases, workers who initially contact the OWA for assistance are provided with basic information, in the form of summary advice, to assist them in handling their workplace insurance issues on their own. Much of this information is available on the OWA website.

Approximately 82% of the injured workers who contacted OWA offices were provided with information and advice, while 18% received representation service. The proportion of cases receiving only advice has remained relatively stable for the past five years. (See Chart 1)

Chart 1: Incoming Requests for Service and Advice in the Past Decade



The OWA's overall workload and effectiveness is illustrated by the number of different clients served. In 2009-2010, OWA assisted 14,647 different injured workers – an increase of 7% from 2008-09 levels.

The OWA supplements its advisory services with publications written specifically for injured workers, their survivors and the public. The primary publications are the OWA self-help fact sheets, which are available in paper form (in French and English) and can also be downloaded from the OWA website at http://www.owa.gov.on.ca/. In addition to the fact sheets, the website provides several self-help kits, answers to frequently asked questions, a glossary of compensation terms, all of the forms needed for appeals, street maps to OWA offices, clinic times and locations, and a direct link to make an inquiry to the OWA by e-mail. On average over 5500 different people visited the OWA website to download over 2750 fact sheets. Overall, the website had between 180,000 and 260,000 hits per month.

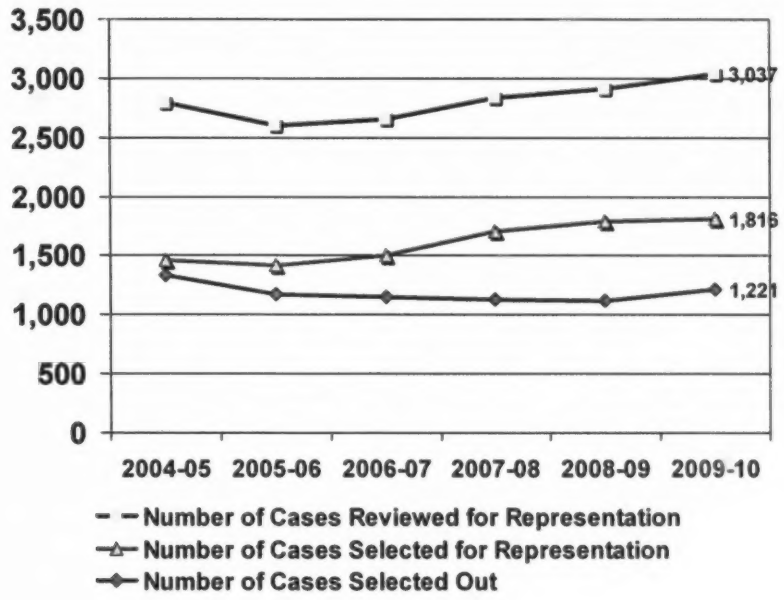
2) Representation Services

Case Review

In an effort to ensure that the OWA is using its resources to assist those workers who most require them, only those cases with a "reasonable" chance of success are offered representation services. Previously the OWA standard required that a case have a "significant" chance of success. As a result of the change in service delivery, the standard for review was relaxed in the latter half of the 2007-2008 fiscal year, to ensure that more vulnerable workers who required the assistance of the OWA would receive our service.

In 2009-2010 the OWA reviewed 3,037 cases and selected 1,816 of these cases for representation. This represents an increase of 21% over the 2006-2007 fiscal year, the last full fiscal year with the more stringent case review standard. (See Chart 2)

Chart 2: Assisting Clients and Selecting Cases for Representation

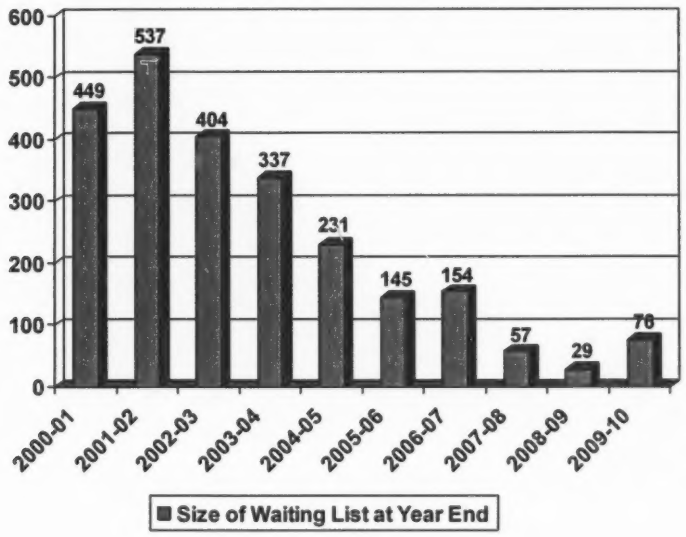


Waiting List for Appeal Level Representation Services

To maximize the effective use of resources, OWA reviews requests for representation and selects cases based upon pre-determined criteria. For instance, the OWA does not represent in cases that are valued at less than four weeks in wage loss benefits, nor in single issue cases involving non economic loss (NEL) increases, commutations or employers' requests for Second Injury Enhancement Fund (SIEF) relief. In addition, OWA does not represent workers in challenging WSIB security restriction letters.

With the implementation of revised case review criteria and with changes in the front line service delivery model, the OWA was able to decrease its waiting list for representation cases to less than 100 cases during the past three years. On March 31, 2009, the waiting list stood at a historic low of 29 cases, although it had crept up to 76 cases by March 31, 2010. Despite an increase in the number of files on the waiting list, 96% of all appeals were still commenced by OWA staff within 120 days of the initial case review. The average age of files on the waiting list was one month and, at the fiscal year end, there were no files on the waiting list for more than 60 days.

Chart 3: Waiting List for Representation



Decisions

The OWA represents more injured workers than any other single organization in the province. By the end of March 2010, the OWA had 3,554 open representation cases. This represents an increase of over 400 open cases when compared to the OWA's total caseload prior to reorganization in fiscal year 2007-2008.

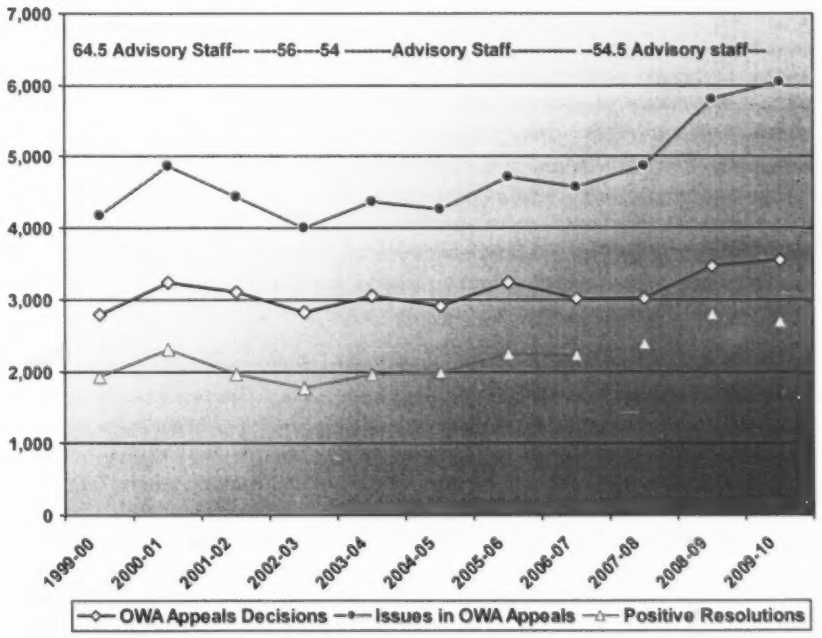
In terms of overall numbers, OWA staff in 2009-2010 obtained a total of 3,554 decisions from the adjudication and appeals levels of the Board and from the Tribunal, an increase of 18% since OWA reorganized its front line service delivery model in 2007-2008. The reorganization allowed for a larger proportion of OWA front line staff becoming Worker Advisors dedicated to representation in appeals. In the same period, the number of issues in these decisions increased by 23% to 6,041, reflecting the continued growth in case complexity in OWA appeals. (See Table 1 and Chart 4)

The number of positive resolutions declined 3.7% (from 2,814 in 2008-09 to 2,711 in 2009-10). This can be attributed to the unusually high level of success in 2008-09 in OWA appeals, particularly at the Tribunal level. The reduction in positive resolutions is also a result of OWA lowering its case review threshold from "significant" to "reasonable chance of success", resulting in a larger proportion of these cases in the appeal process in 2009-10, than in 2008-09, as it takes time for the cases to move through the appeal process.

Table 1: Decisions by Level

Decisions by Level Use of Early (EDR) and Alternative Disputes Resolution (ADR)	2005-06	2006-07	2007-08	2008-09	2009-10
WSIB – Operating Level	1,727	1,619	1,614	1,915	2,059
WSIB – Appeal Level	1,048	962	876	968	1,056
WSIAT	409	419	494	582	439
TOTAL Decisions by EDR/ADR from all Levels	2319	2,270	2,144	2,510	2,647
% Total Decisions by EDR/ADR	**73%**	**76%**	**72%**	**72%**	**74%**
TOTAL DECISIONS FROM ALL LEVELS	**3,184**	**3,000**	**2,984**	3,465	3,554
TOTAL ISSUES IN DECISIONS FROM ALL LEVELS	**4,816**	**4,674**	**4,890**	5,943	6,041

Chart 4: Results from OWA Representation



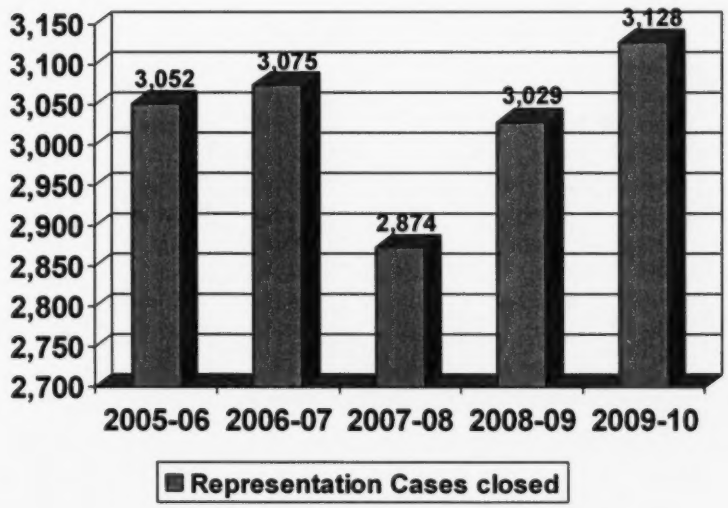
Case Closures

The case closure rate is a measure of the OWA's capacity to manage its workload. The faster cases are resolved, the more quickly injured workers are able to reclaim their lives. Timely file closures allow OWA to assist more workers, keeping both the number of clients and the length of time on the waiting list to manageable levels.

A number of variables affect the impact on file closure rates, including the number of actual advisory staff available in any given year, the number and complexity of new incoming cases, and the proportion of files closed by case review.

In total, the OWA closed 3,128 cases in 2009-2010. The number of cases closed as a result of completed representation increased by 12% since the reorganization in 2007-08.

Chart 5: Representation Cases Closed



HIGHLIGHTS OF OWA CASEWORK

1) Significant Casework in 2009-2010

Occupational Disease—The OWA continued its work at the Tribunal level on a lead case in a cluster of occupational disease cases arising from a workplace in Sarnia. The lead case will decide key issues relating to occupational exposures and causation that will be applied to the adjudication of the remaining cases. In this fiscal year, the lead case involved a plant tour for the WSIAT panel assigned to the cluster. The OWA representatives and a key witness for the workers' case attended the tour along with the panel and company representatives. The unavailability of experts involved in the development of an exposure model for the workplace in question resulted in some delay in this complex case. Though it is on track to proceed during 2010-11, OWA expects this case will continue to take significant time and resources for all involved.

In addition to this lead case, the OWA continued to represent in a number of occupational disease clusters and individual cases in various locations throughout the province. The claims arising from the clusters are at various stages of adjudication in the system, from initial evidence gathering up to WSIAT.

Mental Stress—In 2009-2010 the OWA took on several more mental stress cases that, if not allowed under the Traumatic Mental Stress policy, will become Charter challenges. In one such case, a decision was received on the first stage of the hearing process. The decision, *Decision No. 141/08I*, held that the worker would be entitled for compensation for chronic mental stress but for sections 13(4) and 13(5) of the *WSIA*. The next stage will be arguing before the Tribunal that those sections violate the Charter and the Human Rights Code.

Coverage—The OWA defended in an employer appeal that argued that all non-profit businesses are excluded from the WSIA by virtue of s. 5 of Regulation 175/98. In the 1970s and 1980s, the Board frequently exempted not-for-profit organizations from mandatory coverage, even if the organization was carrying out Schedule 1 activities. In the 1990s, when the Board revised the employer classification system, non-profits were no longer exempted. The employer argued that the original intent of the Act was to cover only for-profit businesses, and thus non-profits could not be mandatorily covered without a regulatory amendment. If the employer succeeds, all non-municipal hospitals would be exempt from mandatory coverage, and any worker who is currently receiving benefits would lose his or her entitlement. We await a decision from the Tribunal.

Age Discrimination—The OWA continued to pursue its challenge to s. 43(1)(c), which restricts loss of earnings benefits for workers who are age 63 or older to two years after the accident. The OWA is involved in two cases testing the argument that the limitation on benefits for older workers is discriminatory and violates the equality provisions of the Charter of Rights and Freedoms.

In one case that was already in progress at the Tribunal, OWA became involved as co-counsel with a member of the private bar. This was after the hearing on the merits was concluded and the Panel had accepted that the worker, who was almost 64 at the date of the injury, would have continued working past age 65 but for the workplace injury. Preparation for the hearing on the Charter arguments began toward the end of the fiscal year.

In the other case, a legal clinic is co-counseling with the OWA. The worker was seriously injured in a workplace accident at the age of 66, and subsequently had his leg amputated. Although,work continued on the case in 2009-2010, the hearing on the merits had yet to be scheduled at fiscal year end.

Time Limits—CCSU continued to provide significant support to individual staff and to the agency on issues related to statutory time limits. This included extensive review and tracking of a number of cases involving missed time limits, along with analyzing and reporting on the OWA's experience.

Coroner's Inquest— In June 2009, as part of its involvement in the FAIR partnership, the OWA represented a survivor at a Coroner's inquest. The inquest considered the circumstances surrounding the April 2002 construction accident in which two workers fell 18 stories to their death. The OWA represented the widow of one of the workers who wanted to help ensure that such an accident could not occur again. On behalf of the widow, the OWA presented evidence and made submissions that helped shape the recommendations made by the Coroner's jury.

2) Noteworthy WSIAT Decisions

The OWA obtained many noteworthy decisions during the 2009-2010 fiscal year. A selection of these decisions is provided below. For many other Tribunal decisions of interest, please consult the "Summaries of WSIAT Decisions Involving OWA" link on the home page of OWA's website at http://www.owa.gov.on.ca.

Decision No. 1713/09 dealt with whether an injury was due to a "chance event" or was a "disablement." The presumption that an injury that occurred at work was also caused by the work does not apply in the case of disablements. In this case, the worker had been lifting boxes of drywall compound. When he bent over to shrink wrap the skid, he experienced a sudden onset of debilitating pain. The Worker Adviser successfully argued that the injury was due to a "chance event" as the sequence of the worker's actions over a short period of time constituted a discrete injuring process.

In ***Decision No. 2063/09***, the worker had injured her lower back. Four days after her injury, her employer offered her modified work in accordance with the early and safe return to work policies. However, the worker's doctor had recommended three months off work and extensive physiotherapy. The Vice-Chair agreed with the Worker Adviser's submissions that it was reasonable, given the nature of her injury, for the worker to be off work for three months, that the worker was following her doctor's recommendations, and that medical rehabilitation is essential in the period immediately following the injury.

Decision No. 1634/08 found that sexual harassment involving touching constituted a "traumatic event" and that it was the cause of the worker's post-traumatic stress disorder. The first finding was important because the *Workplace Safety and Insurance Act* only allows entitlement for disability arising from traumatic mental stress. Although the worker had pre-existing panic attacks, the Panel applied the thin-skull principle, ruling that while she may have been more susceptible to a stress reaction, there was an objective injuring process in the workplace, and she was therefore entitled to compensation.

In ***Decision No. 78/09***, the Worker Adviser successfully argued that a 53-year old worker with a 19% non economic loss (NEL) for her lower back was entitled to full LOE benefits until age 65. Given her age, and the fact that most of her work experience was in minimum wage jobs in donut shops, the Panel found that she had few transferable skills. Since her injury prevented her from returning to her pre-accident job, the Panel held that she was unlikely to be able to find employment in even a minimum wage job.

3) Educational Services

The OWA provides educational services to injured workers through information sessions held in communities across the province and through the provision of general information from the OWA website, which contains a comprehensive collection of fact sheets, kits, and frequently asked questions on workplace insurance topics.

During 2009-2010, the OWA held 74 educational sessions, including information sessions and self-help clinics for injured workers, in communities throughout the province. In addition, the OWA provides higher-level educational services to community and system partners and representatives who work in the field of workplace insurance.

Highlights of Educational Sessions

OWA All-staff Learning Conference (May 2009)
OWA planned and delivered a two-day conference for all OWA staff covering current issues and practical skills in workplace insurance law. Topics included WSIB service delivery changes, casework advice, and OWA policies.

Ontario Bar Association "Current Issues in Workplace Safety and Insurance Law" (May 2009)
CCSU staff presented on the WSIB's draft occupational disease policies at the OBA Workers' Compensation Section's annual continuing legal education event.

CAW Annual Workers' Compensation Conference (September 2009)
CCSU staff presented as part of a panel discussion on challenges facing the workers' compensation system in the upcoming year.

Occupational Disability Response Team Annual Workers' Compensation Symposium (November 2009)
CCSU staff presented as part of panel discussions on labour marker re-entry and deeming.

OTHER KEY ACTIVITIES IN 2009-2010

1) System and Community Partnerships and Committee Work

WSIB Best Practices Steering Committee

The OWA Director sits on this committee, which is comprised of a small number of key worker-side representatives and senior Board staff who determine the issues to be referred to the Best Practices Working Group. This committee reviews and comments on documents produced by the working groups. It also discusses broader systemic compensation issues impacting workers.

WSIB System Partnership Working Group

The OWA continued to bring service delivery and systemic issues to the WSIB for discussion and possible resolution.

Fatalities and Immediate Response (FAIR) Partnership

The OWA, the Workplace Safety and Insurance Board, Ministry of Labour Operations Division and a peer support organization called Threads of Life continued a partnership to improve services and support to families of workers killed on the job. The goal of the FAIR Partnership is to provide timely, seamless and comprehensive assistance to the survivors following a traumatic workplace fatality. With ongoing communication, the partners continue to identify gaps in service, review possible solutions and increase opportunities for awareness.

Occupational Health Clinics for Ontario Workers (OHCOW)

OWA staff participated in a number of OHCOW initiatives designed to streamline access to their services and to ensure that OHCOW is meeting the needs of injured workers and their representatives.

Occupational Disease Advisory Group (ODAG)

The Occupational Disease Advisory Group (ODAG) is an internal OWA committee, with a mandate to identify barriers and recommend solutions to effective and timely representation in occupational disease claims. To ensure that staff have the training and resources necessary to handle the growing numbers of complex occupational disease claims, the ODAG undertook a number of initiatives during the 2009-2010 fiscal year. These included the development of training in the area of complex medical and legal research along with plans to initiate an internal mentoring program.

2) Formal Policy and/or Law Reform Submissions

WSIB Chair's Consultation (June 2009)
The OWA attended a consultation meeting with WSIB Chair, Steven Mahoney, as part of his consultation with stakeholders. The OWA also submitted a formal policy submission. Key areas addressed by the OWA included experience rating, funding, coverage, deemed earnings and the rehabilitation of injured workers.

Law Society of Upper Canada Standing Committee on Paralegals (July 2009)
As part of the Law Society's two year review of exemptions from paralegal licensing requirements under the *Law Society Act*, OWA staff met with the Standing Committee on Paralegals to request an extension of the OWA's exemption.

WSIB Value for Money Audit of Labour Market Re-entry (August 2009)
OWA staff attended a series of consultation meetings with worker and labour representatives held by the KPMG consulting firm as part of its value for money audit of the WSIB's labour market re-entry program.

3) OWA Transfer Payment Program

The Minister of Labour approved funding for the Building and Construction Trades Council of Ontario (PBCTCO), as part of the OWA's Business Plan submission until 2010-2011. The OWA administered this program that was subsequently transferred to the Ministry of Labour early in the 2010-11 fiscal year.

The purpose of the PBCTCO program is to develop and deliver workplace safety and insurance related training specific to the needs and concerns of the construction sector and its members, taking into consideration the transient nature of construction trades work.

4) Technology and Information Management in Support of Client Services

Case Management System (CMS)

The OWA's electronic case management system is our primary tool for recording and reporting on client-related activity and achievements. Ongoing refinements in 2009-2010 enhanced staff's ability to be responsive to the needs of clients and OWA's ability to track our activity more effectively. In order to address ongoing health and safety concerns, the interface between voice recognition software and the CMS was significantly improved. In addition, further keyboard options and shortcuts were developed to minimize the need to use a mouse.

OWA Website: http://www.owa.gov.on.ca

Containing over 800 pages—including an introductory fact sheet in 21 languages—the OWA website remains an important source of information for our clients. This year, the Non-Economic Loss (NEL) Awards information kit was revised and expanded. It continues to be an important resource along with our other workers' information kits and 40 fact sheets. The OWA maintains lists of significant decisions as they become available and a comprehensive list of links to workplace insurance resources across Canada and around the world. The site continues to be accessible to people with disabilities in compliance with the *Accessibility for Ontarians with Disabilities Act, 2005*.

Knowledge Management

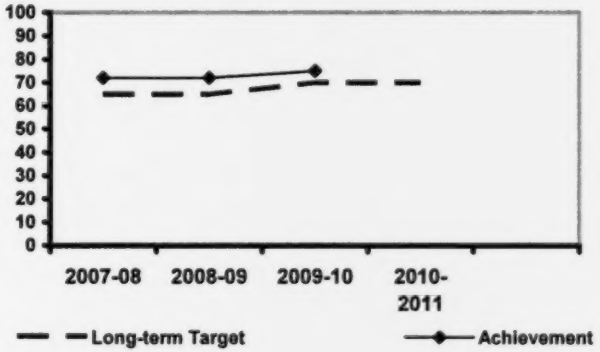
The OWA continued to expand and develop its SharePoint intranet site, providing staff with updates on important issues, links to research and information, and a forum for case consultations and staff discussions. SharePoint has become an important communication tool, allowing the organization to conduct frequent surveys with staff and establish sites where groups such as the Occupational Disease Advisory Group (ODAG) can collaborate on initiatives.

In 2009-2010 the OWA adopted the web conferencing software WebEx, allowing staff province wide to conduct virtual meetings and attend training from the convenience of their offices. Along with the ability to make face-to-face contact by video, WebEx allows staff to present and collaborate on documents, as well as demonstrate the use of software and online information resources. The software not only reduces travel costs, but its ease of use has encouraged increased training and sharing of tacit knowledge amongst staff.

APPENDIX A – OUTCOME PERFORMANCE MEASURE

Performance Measure #1: Early and Alternative Dispute Resolution

Percentage of Decisions Obtained by EDR or ADR



Agency Contribution

Whenever possible OWA seeks to provide support for early and safe return to work and for early resolution of disputes without recourse to formal hearings, both by diverting cases from the appeals system and by pursuing opportunities for alternative dispute resolution at the appeals level.

What does the graph show?

This graph shows the proportion of decision results for OWA appeals that were achieved without formal hearings. The long-term commitment reflects an anticipated increase in case complexity which, in turn, is expected to impact OWA's ability to resolve disputes without resorting to formal hearings.

2009-2010 Year End Performance Achievements

74% of all decisions were obtained by EDR or ADR. Although OWA has been anticipating that this percentage will decrease as the service delivery continues to shift toward more complex representation, the appeal bodies are increasingly trying to conduct appeals without resorting to hearings. Therefore as of year-end 2009-2010 the long-term target has been adjusted up to 70%.

APPENDIX B – INTERNAL PROGRAM PERFORMANCE ACHIEVEMENTS

Measure	Standard/Long Term Target	2008-2009 Achievement	2009-2010 Commitments	2009-2010 Year End Achievements (as of March 31, 2010)	2010-2011 Commitments
Early and Alternative Dispute Resolution	65% of all decisions to be obtained by early (EDR) or alternative dispute resolution (ADR)	72% of all OWA decisions were obtained by early or alternative dispute resolution.	OWA expects to achieve at least 70% of all issues resolved by EDR or ADR. Long-term Target - A Realistic long-term target for EDR/ADR is actually 65% given increased complexity of appeals.	OWA exceeded commitment by 10% resolving 74% of all issues by EDR or ADR.	OWA expected to achieve at least 70% of all issues resolved by EDR or ADR. Although OWA service delivery continues to shift toward more complex representation, the long term target has now been adjusted to 70%.
Effectiveness of advisory & representation services	A new long term target of 200 issues per FTE was adopted last year.	212 advisory and representation issues per staff were recorded.	200 issues per staff	218 issues per staff were achieved through advice and representation.	The 2010-2011 target continues to be 200 as OWA work shifts increasingly from advice to representation and representation cases take much longer to resolve than advisory cases.
Timeliness of Appeals Representation Service	100% of all cases involving appeals representation service to commence within 120 days of commitment.	Work commenced on 93% of appeal cases within 120 days of commitment to represent.	To achieve a target of commencing 100% of representation cases within 120 days.	OWA once again moved toward its long term target by opening 96% of all cases involving appeals representation service within 120 days.	OWA's commitment was to maintain or improve 2008-09 timeliness.

APPENDIX C – FINANCIAL REPORT – FISCAL YEAR 2009-2010

All Figures in $000.0 thousand

Account	Final Budget *	Total** Actual Expenditures	Variance	Explanation
Salary & Wages	**7,316.0**	**6,928.5**	**387.5**	Recruitment to fill vacancies delayed
Benefits	**1,522.9**	**1,774.4**	**(251.5)**	Maternity leave, severance payments and increase in pension costs
Transportation & Communications	392.4	376.2	16.2	
Services (incl. Office Leases)	1,500.3	1,369.0	131.3	Reduction in Consulting and IT costs
Supplies & Equipment	102.3	115.1	(12.8)	
ODOE TOTAL	**1.995.0**	**1,860.3**	**134.7**	
Transfer Payment	**250.0**	**250.0**	**-**	
OWA TOTAL	**11,083.9**	**10,813.2**	**270.7**	
Recoveries	**(11,082.9)**	**(10,813.2)**	**(269.7)**	
TOTAL	**1.0**	**0.0**	**1.0**	

* Final Budget = Printed Estimates +/- TBO, re-alignment of funds by standard account.
** Total Actual Expenditures including office lease cost.

APPENDIX D – OWA OFFICE LOCATIONS

TORONTO & EASTERN REGION

HEAD OFFICE & TORONTO OFFICE
Office of the Worker Adviser
123 Edward Street
Suite 1300
Toronto, ON M5G 1E2

SCARBOROUGH OFFICE
Office of the Worker Adviser
305 Milner Avenue
Suite 918
Scarborough, ON M1B 3V4

MISSISSAUGA OFFICE
Office of the Worker Adviser
10 Kingsbridge Garden Circle
Suite #512
Mississauga, ON L5R 3K6

OTTAWA OFFICE
Office of the Worker Adviser
347 Preston Street, 3rd Floor
Ottawa, ON K1S 3H8

SOUTHWEST REGION

LONDON OFFICE
Office of the Worker Adviser
495 Richmond Street
Suite 810
London, ON N6A 5A9

HAMILTON OFFICE
Office of the Worker Adviser
119 King Street West
13th Floor
Hamilton, ON L8P 4Y7

WINDSOR OFFICE
Office of the Worker Adviser
880 Ouellette Avenue
Suite #601
Windsor, ON N9A 1C7

ST. CATHARINES OFFICE
Office of the Worker Adviser
301 St. Paul St.. 9th Floor
St. Catharines, ON L2R 7R4

NORTHWEST REGION

SAULT STE. MARIE OFFICE
Office of the Worker Adviser
70 Foster Drive
Suite 480
Sault Ste. Marie, ON P6A 6V4

THUNDER BAY OFFICE
Office of the Worker Adviser
435 South James Street
Suite 335, 3rd Floor
Thunder Bay, ON P7E 6S7

TIMMINS OFFICE
Office of the Worker Adviser
60 Wilson Avenue
Suite 303, 3rd Floor
Timmins, ON P4N 2S7

ELLIOT LAKE OFFICE
Office of the Worker Adviser
50 Hillside Drive North
Elliot Lake, ON P5A 1X4

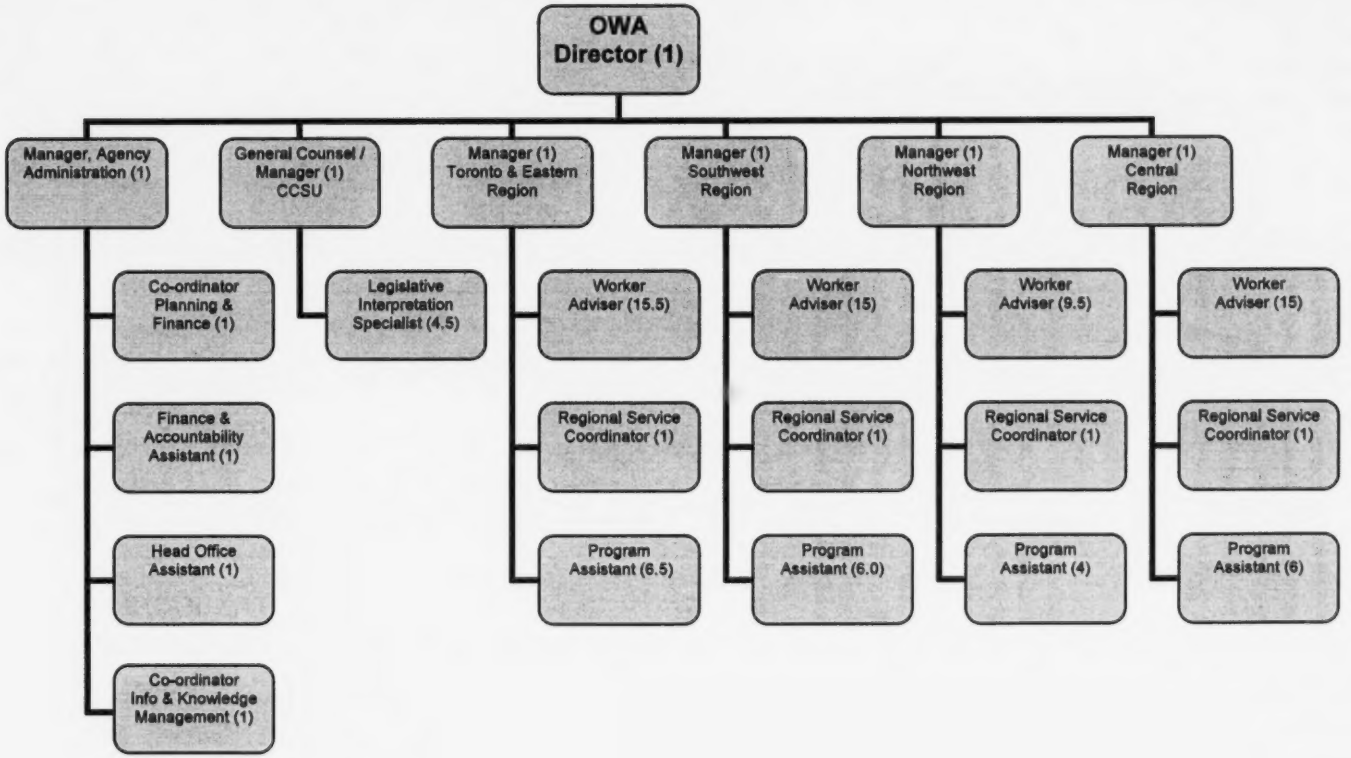
CENTRAL REGION

SUDBURY OFFICE
Office of the Worker Adviser
159 Cedar Street
Suite 304
Sudbury, ON P3E 6A5

DOWNSVIEW OFFICE
Office of the Worker Adviser
1201 Wilson Avenue
Building C, Suite 125
Downsview, ON M3M 1J8

WATERLOO OFFICE
Office of the Worker Adviser
155 Frobisher Drive
Unit G (213)
Waterloo, ON N2V 2E1

APPENDIX E – ORGANIZATION CHART


OWA Director (1)
Manager, Agency Administration (1)
General Counsel / Manager (1) CCSU
Manager (1) Toronto & Eastern Region
Manager (1) Southwest Region
Manager (1) Northwest Region
Manager (1) Central Region
Co-ordinator Planning & Finance (1)
Finance & Accountability Assistant (1)
Head Office Assistant (1)
Co-ordinator Info & Knowledge Management (1)
Legislative Interpretation Specialist (4.5)
Worker Adviser (15.5)
Regional Service Coordinator (1)
Program Assistant (6.5)
Worker Adviser (15)
Regional Service Coordinator (1)
Program Assistant (6.0)
Worker Adviser (9.5)
Regional Service Coordinator (1)
Program Assistant (4)
Worker Adviser (15)
Regional Service Coordinator (1)
Program Assistant (6)

2009-2010 OWA STAFF ALLOCATION = 97 FULL TIME EQUIVALENTS (FTE)